

ATTORNEY DOCKET NO.: 2003P01978WOUS
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Uwe Ackermann et al.
Application Number: 10/583,628
Filing Date: 06/20/2006
Group Art Unit: 3743
Examiner: Corey John Hall
Title: DRYING BASKET AND FASTENING DEVICE FOR
FASTENING A DRYING BASKET ON A CLOTHES DRYER

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

In response to the Examiner's Answer Brief, and in further support of the Appellant's Appeal of the above-identified application, Appellants submit the following comments.

Independent claims 10 and 16 of the present application are directed to a dryer that includes an end plate located beneath a feed opening that leads into an interior of the dryer. The claims recite that two openings are provided in the end plate. Claims 10 and 16 also recite a drying basket that includes two elongated longitudinal supports. The claims recite that bent end sections of the longitudinal supports are inserted into the openings in the end plate. The claims also recite that the longitudinal supports include bent support sections that engage a surface of the end plate to support the drying basket in the rotary drum of a dryer.

Independent claim 21 of the present application recites a method for removably connecting a drying basket to a laundry dryer. Claim 21 recites providing a laundry dryer having an end plate disposed near a lower portion of a feed opening that provides access to a rotary drum of the dryer, where two openings are formed in the end plate. Claim 21 also recites providing a drying basket that includes two longitudinal supports, each longitudinal support including a bent end section and a bent supporting section. Claim 21 recites inserting the bent end sections of the longitudinal supports into the openings in the end plate, and positioning the bent supporting sections on a surface of the end plate to support the drying basket within the rotary drum of the dryer.

The Examiner has rejected independent claims 10, 16 and 21 as obvious over Japanese Patent Publication No. 9-220399 to Asada (hereinafter "Asada"), in view of either Great Britain Patent No. 1,491,852 (hereinafter "GB '852") or German Patent No. 2,706,595 (hereinafter "DE '595").

The Examiner admits that the Asada reference fails to disclose or suggest a dryer where openings are formed in an end plate of the dryer, and wherein bent end sections of longitudinal supports of a drying basket are inserted into those openings. However, the Examiner asserts that after one of ordinary skill in the art had reviewed the disclosure of either GB '852 or DE '595, that person of ordinary skill in the art would have been motivated to modify the Asada dryer: (1) so that it includes openings in the end plate; and (2) so that bent end sections of longitudinal supports of a drying basket are inserted into the openings in the end plate as part of a method of mounting the drying basket on the Asada dryer. Appellants respectfully disagree.

To understand why GB '852 and DE '595 would not have motivated one of skill in the art to include openings in an end plate of the Asada dryer, one has to fully appreciate the design of the dryer disclosed in GB '852 and DE '595. There are unique aspects of the dryer disclosed in GB '852 and DE '595 that make it considerably different from the Asada dryer. And these differences are significant.

The dryer disclosed in GB '852 and DE '595 includes a rotating drum and a drying rack that is supported inside the drum so that it does not rotate with the drum. The drying rack includes a grid formed of longitudinally extending wires 3 and cross

wires 4. Support elements are 7/8/9 are connected to the bottom of the front of the support grid. The support elements include projections 8 that extend from the front of the drying rack. A triangular shaped support structure is located at the rear of the drying rack. The triangular support structure includes two arms 5 and a circular ring 6, which is described as an "annulus." The circular ring 6 is held above a top surface of the drying rack by the two arms 5.

To mount the drying rack inside the drum of the dryer, the circular ring 6 is placed over a "hub" 11 that projects from the center of the rear wall of the drum to hold the rear of the drying rack up above the rotating drum of the dryer. The projections 8 at the front of the drying rack rest on the rim of the opening into the dryer drum to support the front of the drying rack above the rotating drum.

The hub 11 located at the center of the rear wall of the rotating drum rotates with the drum while the dryer is operating. The circular ring 6 is larger in diameter than the hub 11. Thus, the hub 11 and the circular ring 6 are not coupled together so that the rack rotates with the drum. If they were coupled together, the drying rack could not remain stationary within the dryer while the drum rotates. Nevertheless, rotation of the hub 11 does impart a rotational force to the circular ring 6 which tends to cause the drying rack to rotate with the drum.

DE '595 also illustrates that there are two holes 15 on the inner wall of the door 13 which closes the feed opening into the dryer. When the door is closed, the holes 15 receive the ends of the projections 8 (which are resting upon the rim 12).

As noted above, the projections 8 of the rack rest on the rim of the feed opening into the dryer to support the front end of the rack. When the dryer door 13 is open, and the projections 8 are not engaged in the holes 15 of the door 13, the rack is supported above the drum of the dryer. Because engagement between the projections 8 and the rim of the feed opening already support the front of the rack, why provide holes 15 in the inner surface of the door? In fact, it would be easier to simply make the projections 8 shorter so that it is not necessary to provide holes 15 in the door that must be precisely aligned with the projections 8 to ensure that the door can close.

The answer is that the holes 15 in the door 13 are used to prevent the drying rack from rotating. Remember that rotational forces are imparted to the drying rack by the rotating hub 11 that supports the rear of the drying rack. When the door is closed, and the projections 8 of the drying rack are received in the holes 15 on the door 13, the rack cannot rotate. Thus, the holes 15 are provided on the door to help ensure that the rack does not rotate out of position when the dryer is operating, and the drum is rotating.

With this understanding of the teachings of GB '852 and DE '595, we must now return to what one of ordinary skill in the art would be motivated to do once that person of ordinary skill in the art had reviewed Asada, GB '852 and DE '595.

As explained in Appellants' Appeal Brief, the rear of the Asada drying rack is not supported on a rotating hub located on the back wall of the drum of the Asada dryer. As a result, when Asada's dryer is operating, and the drum is rotating, no rotational force is imparted to Asada's drying rack.

GB '852 and DE '595 teach the use of holes in a door of a dryer to resist rotational forces that are imparted to a drying rack. Because Asada's drying rack is not subjected to any rotational forces, the teachings and disclosure of GB '852 and DE '595 would not have motivated one of ordinary skill in the art to add similar holes to the inner surface of Asada's door. Adding such holes to the Asada dryer would serve no useful function, and adding such holes would unnecessarily add cost and complexity to the Asada dryer. For these reasons alone, it is respectfully submitted that the combination of references is improper and that the rejections should be withdrawn.

Moreover, Appellants maintain that it requires the impermissible use of hindsight, in view of Appellants' invention, to find a motivation for modifying Asada so that openings are formed in the end plate of Asada's dryer, where the openings receive the bent end sections of the longitudinal supports of a drying basket.

The Examiner has asserted that GB '852 and DE '595 include all of the teachings necessary to motivate one of ordinary skill in the art to place openings in the end plate of Asada's dryer. However, as explained in detail above, GB '852 and DE '595 do not

teach forming openings in the end plate of a dryer. Instead, GB '852 and DE '595 teach locating openings in the inner side of a door of a dryer.

As also noted above, GB '852 and DE '595 provide those openings to perform a function that is not required by the Asada dryer. Thus, even if one of skill in the art follows the teachings of GB '852 and DE '595, that person of skill in the art would not have been motivated to add openings to the door of Asada's dryer.

But even assuming for the sake of argument that GB '852 and DE '595 would have motivated one of ordinary skill in the art to add openings to the Asada dryer, that person of ordinary skill in the art would not have been motivated to place the openings in the end plate of Asada's dryer. Neither Asada, nor GB '852, nor from DE '595 teach locating such openings in the end plate of the dryer. Only the Appellants themselves teach locating such holes in the end plate of a dryer.

In view of all of the foregoing, it is respectfully submitted that the only way to find a motivation for placing openings in the end plate of Asada's dryer is through the impermissible use of hindsight, in view of Appellants' invention. For these additional reasons, it is respectfully submitted that the combination of references is improper.

For all the above reasons, withdrawal of the rejections is respectfully requested

Respectfully submitted,

/James E. Howard/

James E. Howard
Registration No. 39,715
February 14, 2011

BSH Home Appliances Corporation
100 Bosch Blvd.
New Bern, NC 28562
Phone: 252-639-7644
Fax: 714-845-2807
james.howard@bshg.com